

AG Contract No. KR00-1996TRN
ADOT ECS File No. JPA 00-169
BIA IGA No. AG2N0000203
TRACS No. TBC-0-(1)/SS487 01C
Project: Tuba City Streets
Section: Arizona Blvd. N608(1)2&4

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA,
THE UNITED STATES DEPARTMENT OF INTERIOR,
BUREAU OF INDIAN AFFAIRS

THIS AGREEMENT is entered into 23 May, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State"), the UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, acting by and through its Contracting Officer (the "Bureau").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Bureau is authorized by 23 U.S.C. 204(a)-(f) and 308(a) to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Bureau.

3. The federal Intermodal Transportation Act of 1999 (TEA-21) has made federal funds available, to be distributed by the State, for improvements to Tuba City streets (N608(1) 2 & 4, hereinafter referred to as the Project, in the amount of \$519,000.00. This agreement is to define the terms of the transfer of funds for the above Project from the State to the BIA.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 25278
Filed with the Secretary of State
Date Filed: 05/23/02

Petrey Gayless
Secretary of State

By Dwight J. Haeneuwald

INTERGOVERNMENTAL AGREEMENT
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THE UNITED STATES DEPARTMENT OF INTERIOR,
BUREAU OF INDIAN AFFAIRS

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THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The Bureau will:

a. Provide to Bureau standards design plans, specifications and such other documents and services for construction bidding and construction of the Project. Forward to the state one (1) copy of BIA approved construction plans and specifications for state files.

b. Call for bids and award one or more construction contract(s) for the Project. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the Bureau.

c. Invoice the State in the amount of \$519,000.00 for the Project at the time the project is awarded. Subject to the availability of funds, provide maintenance to the Project upon completion.

2. The State will:

a. Pay the Bureau \$519,000.00 within 30 days after receipt of an invoice.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of construction and reimbursement, or until August 2, 2005, whichever comes first; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be canceled at any time prior to the award of a construction contract, upon ninety (90) days written notice to the other party.

2. This agreement shall become effective upon filing with the Arizona Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. Applicable laws and regulations of the State and the Federal government shall govern the rights of the parties with respect to the performance of this agreement. In the event of any controversy which may arise out of this agreement, the parties hereto agree to select a process acceptable to the State and the Bureau to resolve such disputes. Such process shall include a provision for arbitration.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

United States Department of Interior
Bureau of Indian Affairs
Branch of Roads
P.O. Box 1060
Gallup, NM 87305

7. Attached hereto and incorporated herein is the written determination of counsel that the parties are authorized under applicable laws to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

UNITED STATES DEPARTMENT
OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

By

Contracting Officer

VICTORIA JOE 1420-4177-0802

STATE OF ARIZONA
Department of Transportation

By

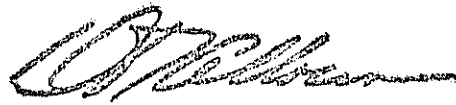
MARY LUNN FISCHER, Director
Transportation Planning

RESOLUTION

BE IT RESOLVED on this 24th day of September 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Bureau of Indian Affairs for the purpose of defining responsibilities for conveying TEA-21 funds to the BIA for the Tuba City street improvements.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation Planning for approval and execution

By



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

DETERMINATION

Arizona Contract No. JPA 00-169, which is an agreement between public agencies, to wit; the STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the UNITED STATES OF AMERICA, BUREAU OF INDIAN AFFAIRS, has been reviewed by the undersigned for the United States who has determined that it is in the proper form and within the powers and authority granted to the United States

No opinion is expressed as to the authority of the State of Arizona to enter into said agreement.

DATED this 20th day of December, 2008

THE UNITED STATES OF AMERICA

By

Victoria Joe

VICTORIA JOE 420-111-0902



JANET NAPOLITANO
ATTORNEY GENERAL

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OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION
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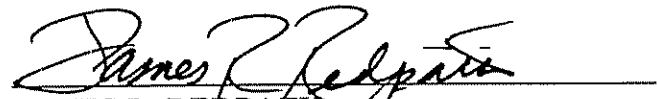
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-1996TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED May21, 2002.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:ggt

Enc.

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